

**United States Department of the Interior  
Bureau of Land Management**

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**Decision  
Categorical Exclusion  
DOI-BLM-CO-S010-2014-0036-CX  
FY2015**

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**COC-36996 for Right Of Way Renewal**

**Location:** NMPM, San Miguel County, Colorado  
T. 42 N., R. 19 W.,  
Section 05: Lot 3, NWSE, S2SE;  
Section 09: NWNW;  
Section 19: E2SE, SWSE;  
Section 20: W2SW;  
Section 29: NW, W2SW and  
Section 32: W2W2, SESW.

**Applicant/Address:** San Miguel County  
P.O. Box 486  
Norwood, CO 81423

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Tres Rios Field Office  
29211 Highway 184  
Dolores, CO 81323  
(970)882-7296 (O)  
(970)882-6841 (F)



**DECISION**  
**Categorical Exclusion**  
**DOI-BLM-CO-S010-2014-0036-CX**  
**Systematic CX for ROW Renewals**

**Proposed Action:** The proposed action qualifies as a Categorical Exclusion under 516 DM 11.9, E (9), which allows “renewals and assignments of leases, permits, or ROWs where no additional rights are conveyed beyond those granted by the original authorizations.” The decision is to authorize the proposed action and for BLM to issue an existing right of way (ROW) grand held by San Miguel County Road Department. The ROW held by San Miguel County Roads Department is the road under serial COC-36996.

The proposed attached stipulations will be applied to all ROW grants when they are renewed or assigned on lands managed by the Tres Rios Field Office. These are the same standard stipulations that have been used on renewals and assignments for the past couple of years. All renewals and assignments will be subject to the these stipulations, which specifically includes that the ROW holder will be required to contact BLM prior to any surface disturbing activity in the ROW, and the BLM will make a determination at that time whether or not additional clearances or stipulations would be necessary.

Renewals and assignments will continue to be subject to the stipulations contained in the original grant, in addition to the proposed stipulations, provided the original stipulations are not in conflict with the proposed, and if so, the proposed will supersede the original stipulations. Further, in accordance with regulations mentioned above, new stipulations can be added at the time of renewal or assignment, as determined necessary.

**Authorities:** The authority for this decision is contained in Federal regulations under 43 CFR 2807.22, the Federal Land Policy and Management Act of 1976 (FLPMA), 43 CFR 2887.12, the Mineral Leasing Act (MLA) and CO-IM-2006-026, Cultural Resource Standards and Guidelines for Renewal of Right-of-way Grants and Temporary Use Permits under Section 106 of National Historic Preservation Act.

**Compliance and Monitoring:** Compliance reviews of individual authorizations will be performed at regular intervals (usually in five to ten year increments). This will be done to ensure associated rights-of-way conditions, standards and stipulations are being met, and all maintenance is being performed on a regular basis as per the lease term requirements. Monitoring the original, existing authorized rights-of-way will also ensure no additional unauthorized rights-of-way exist within the approved footprints.

**Terms / Conditions / Stipulations:** Please see CX Attachment “Right-of-Way Renewal Stipulations.”

**PLAN CONFORMANCE REVIEW:** The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

**Name of Plan:** Tres Rios Field Office Resource Management Plan (RMP)

Date Approved: February 27, 2015

Decision Name/Page/Language: The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

Record of Decision for Tres Rios Field Office Resource Management Plan (RMP):

## **2.19 – Lands and Special Uses**

### **Land Use and Access Authorizations**

The BLM issues authorizations for occupancy and use for a variety of private and commercial entities; as well as for local, state, tribal, and other federal agencies. This is accomplished through easements, ROWs, leases, and other instruments. Trespasses and encroachment issues are resolved through removal, remediation, or authorization. The BLM maintains and enhances public access to the lands identified for retention, as well as to other public lands where improved access meets resource and/or management needs. The BLM engages in cooperative management of private and commercial access needs (with private individuals, federal, state, and local agencies, and tribal governments) and encourage the formation of “road-user associations” where multiple users require access. All authorized uses on public lands are required, by law, to meet all applicable environmental protection measures. For all proposed activities that have the potential for disturbance to lands and resources, a project design, prepared by the applicant, is required and is subject to full public environmental analysis, review, and, when necessary, appropriate monitoring.

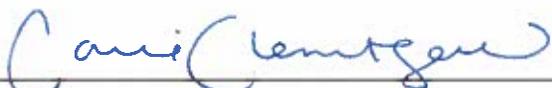
**Rationale for Decision:** Because the proposed action includes the implementation of a CX, I have evaluated the action relative to the twelve exceptions in 516 DM 2, Appendix 2 and have determined that there are no applicable exceptions and the proposed action is correctly categorically excluded from further environmental analysis.

All ROW renewals will be made subject to the attached proposed stipulations. These stipulations will provide for the protection of natural resources and requires the ROW holder to contact the BLM prior to any surface disturbing activity. The BLM will determine if additional biological and cultural resource clearances or stipulations will be required in order for surface disturbing activities to occur.

Renewal processing will be expedited, by dealing with them in a systematic manner, because staff will no longer need to conduct extensive reviews of stipulations for each renewal. Renewals will continue to be subject to the stipulations contained in the original grant, in addition to the proposed stipulations, provided the original stipulations are not in conflict with the proposed, and if so, the proposed will supersede the original stipulations. Further, in accordance with regulations mentioned above, new stipulations can be added at the time of renewal, as determined necessary. Given these measures, natural resources will continue to be protected through this systematic ROW renewal process.

**Protest/Appeal Language:** This decision shall take effect immediately upon the date it is signed by the Authorized Officer (Tres Rios Field Office Manager), and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4.

Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at the Tres Rios Field Office, 29211 Highway 184, Dolores, CO 81323. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.



Connie Clementson

Tres Rios Field Office Manager

8.21.15

Date